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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

12 ANTOLIN ANDREW MARKS,

13 Plaintiff,

14 v.

15 TOM GILES, *et al.*

16 Defendants.
17

No. 07-5572RJB/JRC

ORDER ON PENDING MOTIONS

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19 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned
20 Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrate
21 Judges' Rules MJR 1, MJR 3, and MJR 4. Before the Court are Plaintiff's Motion for
22 Restoration of Paperwork (Dkt. # 42), and plaintiff's Motion for an Extension of Time to file a
23 reply on a motion to compel (Dkt. # 47).

24 The court ordered defendants to Show Cause regarding the Motion for Restoration of
25 Paperwork and they have done so (Dkt # 52 and 53). Plaintiff has filed an over length reply that
26 will not be considered by the court as it is in violation of Local Rule 7 (e)(3) which limits reply

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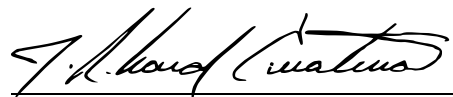
1 briefs to 12 pages. The reply brief filed is 21 pages long. Plaintiff has been repeatedly warned
2 regarding his over length filings. Further, the court will not consider plaintiff's untimely
3 declarations on motions, (Dkt. # 49, 50, and 51). Documents in support of a motion need to be
4 filed with the motion. It is unfair to opposing counsel to allow documents which may need a
5 response to be filed at a later time, thus reducing the time available to file a response. In the
6 future plaintiff should consider that the proper filings are a motion, a response, and a reply.
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8 The Motion for an Extension of Time, (Dkt # 47) is DENIED. The court entered an order
9 on May 5, 2009, granting in part the motion to compel (Dkt. # 54). The untimely reply was not
10 considered.

11 The Motion for Restoration of Paperwork is also DENIED. In the response defendants
12 show the court that Mr. Marks has been under investigation for running a business where he
13 provides legal services to detainees for pay (Dkt. # 52 and 53). Defendants show Mr. Marks has
14 access to his materials by making specific requests and that the amount of time he is allotted in
15 the library is consistent with national standards (Dkt. # 53).
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17 The Clerk is directed to send plaintiff a copy of this order and remove Dkt. # 42 and
18 47 from the court's calendar.

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20 DATED this 1st day of June, 2009.

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23 J. Richard Creatura
24 United States Magistrate Judge
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